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PATENT

Attorney Docket No.: 17342-000500

Assistant Commissioner for Patents,  
Washington, D.C. 20231

on January 7, 2000

TOWNSEND and TOWNSEND and CREW LLP

By Janet Byrne



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of:

Barney D. Visser

Application No.: 08/851,040

Filed: May 5, 1997

For: SYSTEMS AND METHODS FOR  
FACILITATING THE PRESENTATION OF  
INVENTORY ITEMS

Examiner: T. Kang

Art Unit: 3635

APPELLANT'S BRIEF UNDER 37 CFR  
§1.192

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Appellant offers this brief in furtherance of the Notice of Appeal filed on November 19, 1999, in the above referenced case. This brief is submitted in triplicate as required by 37 CFR 1.192(a)

REAL PARTY IN INTEREST:

The entire right in the above reference patent application has been assigned to Furniture Row USA, LLC (formerly Visser Real Estate Investments) of Denver, Colorado, who is the real party in interest.

RELATED APPEALS AND INTERFERENCES:

No other appeals or interferences are known which will directly affect, or be directly affected by, or have a bearing on the board decision of the pending appeal.

STATUS OF CLAIMS:

No other appeals or interferences are known which will directly affect, or be directly affected by, or have a bearing on the board decision of the pending appeal.

STATUS OF AMENDMENTS:

A Response to the Office Action dated march 5, 1999 was filed on June 7, 1999. This amendment was entered by the Examiner. No amendment has been filed in response to the Office Action mailed August 20, 1999. A copy of the pending claims, after entry of the amendment mailed on June 7, 1999 is provided in the appendix, attached hereto.

SUMMARY OF THE INVENTION:

The invention provides systems, structures and methods for facilitating the presentation of inventory items and for providing access to the items. In one embodiment, a system is provided which comprises at least three separate stores. Each store has at least one separate outside entrance that leads directly to a parking facility to allow customers that park in the parking facility to enter into each of the separate stores through their own outside entrances directly from the parking facility. In some cases, a sidewalk may be disposed along a front outside wall and the parking facility. An elongate wall separates each of the stores, with each wall having at least one doorway. The doorways are aligned with each other, and an aisle passes through each doorway to allow a customer to visualize at least some of the interior of each store while standing in the aisle and looking down the aisle. In this manner, the customer can rapidly gain visual access into the interior of each store while standing in the aisle to facilitate the selection of a particular store.

In one aspect of the system, the walls are configured so that they generally prevent the visualization of the items within adjacent stores when the customer is away from the

aisle. In this manner, once a customer has selected a given store and begins browsing through the store, the customer's vision will be focused on the particular type of items within the selected store. In this way, the customer will not be distracted by other types of inventory items which are not presently of particular interest.

In another aspect, each store includes items of a particular type which are unique to the store. Such an arrangement facilitates the finding of particular items since a customer will know that each store includes only items which are unique to that store.

In another aspect, each wall includes a pair of doorways, and the aisle circuits through each store while passing through the doorways. In this manner, a customer may circuit about the periphery of each store to conveniently access the items within each store.

In yet another aspect, each of the stores are independently managed. In this way, each store may be managed according to its own business practices, while obtaining benefit from adjacent stores by being interconnected by the internal doorways.

In one method, at least three stores are provided which are separated from each other by elongate walls, with each wall having a doorway, and with the doorways being aligned with each other. Further, each store has its own outside entrance. With such a configuration, a parking facility is entered into adjacent the outside entrances. One of the outside entrances is selected and a customer enters into the selected outside entrance directly from the parking facility. The customer then moves to and stands in an aisle which passes through each doorway. The customer looks down the aisle and visualizes at least some of the interior of each store. An item within one of the stores is then selected and purchased while within the store.

In one aspect, each wall has a pair of doorways that are in alignment with the pairs of doorways in the other walls. The customer then walks along the aisle to circuit through every doorway and every store.

#### ISSUES:

Whether claims 1-4, 6-16 and 18-36 are unpatentable under 35 U.S.C. § 103 over U.S. Patent No. 4,154,027 issued to Searcy and certain Judicial Notice provisions.

GROUPING OF THE CLAIMS:

Appellant submits that the claims do not stand or fall together. Appellant submits that the claims fall into five groups: Group I (claims 1-4, 6, 9, 10, 16, 18 and 19), Group II (claims 21, 22 and 24), Group III (claims 7, 11-15 and 20), Group IV (claims 23, 25, 26, 28-30, 31-35), and Group V (claims 8, 29 and 36). Appellant will separately argue the patentability of each of these groups as set forth below.

ARGUMENT

I. U.S. Patent No. 4,154,027 Issued to Searcy.

The Searcy patent describes a single retail store configuration with a service counter in the center of the store. The central service counter provides customer service and check-out capabilities for all items purchased in the store. Aisles are located on all sides of the central service counter to provide access to the counter from substantially all points in the store. In this way, customers do not need to go to remote parts of the store and return to the check-out counter. See, col. 1, lines 46-53.

The single store of Searcy also includes three back rooms (66, 64 and 116). These rooms are storage rooms with no direct access for customers. For example Searcy describes room 64 as a bottle storage room, room 66 as a dairy and beverage room, and room 116 as a frozen freezer room. Hence, these rooms are designed to be accessed only by service personnel, and not customers. See, for example, col. 2, lines 20-24. Accordingly, the doorways in room 64 and 116 appear to be delivery bays rather than customer entrances. Additionally, room 66 of the Searcy patent contains no direct access from outside of the store.

II. Claims 1-4, 6-16 and 18-36 are Not Obvious Over the Searcy Patent.

Claims 1-4, 6-16 and 18-36 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Searcy. The Examiner argues that Searcy discloses all elements of the claimed invention, including three separate stores (64, 66 and 116), each having elongate walls, doorways being aligned with each other and an aisle between the stores. The Examiner recognizes that Searcy does not teach three independently managed stores, each with separate

outside entrances. However, the Examiner thrice takes Judicial Notice as support for rejecting these claims.

In order to establish a prima facie case of obviousness under 35 U.S.C. §103, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on the applicant's disclosure. MPEP § 2142.

Appellant respectfully submits that the prima facie case of obviousness has not been established because the Examiner's rejection fails to meet the first and third requirements above.

**A. Groups I, II, IV and V**

The claims in groups I, II, IV and V claim a structure having at least three separate stores. As claimed in claim 1, an elongate wall separates each store, with each wall having a doorway. Further, the doorways are aligned with each other. An isle passes through each doorway such that a customer may visualize at least some of the interior of each store while standing in the aisle and looking down the aisle.

The Searcy patent fails to describe a structure which includes at least three separate stores as just described. Rather, Searcy describes only one store having a central service area. The three rooms referred to by the Examiner in the Office Action, i.e., rooms 64, 66 and 116, are not separate stores, but are rather rooms within a single store. Indeed, rooms 64, 66 and 116 are a bottle storage room, a dairy and beverage room and a frozen freezer room. Hence, rooms 64, 66 and 116 of Searcy are clearly not separate stores.

Moreover, as set for in the Office Action, the Examiner refers to Webster's II New Riverside University Dictionary, 1994, to define a store as: "A place where merchandise is offered for sale: Shop." The items held within rooms 64, 66 and 116 of Searcy are clearly not offered for sale in their respective rooms. Hence, even under the Examiner's definition of a store, rooms 64, 66 and 116 of Searcy clearly do not fit this definition. Since the Searcy patent fails to teach or suggest this claim limitation, the claims in groups I, II, IV and V are distinguishable.

With the exception of claims 25, 26 and 29, each of the claims in groups I, II, IV and V include the further limitation that each of the separate stores has at least one separate outside entrance which leads directly to a parking facility. As shown in Fig. 1 of Searcy, room 66 clearly fails to describe a separate outside entrance which leads to a parking facility. Hence, the Examiner is relying upon judicial notice, "that this is common practice in most shopping plazas and would, therefore, have been obvious to one having ordinary skill in the art." Even assuming, *arguendo*, that such shopping plazas exist which include separate outside entrances that lead directly to a parking facility, no teaching suggestion, or motivation to combine such a shopping plaza with the Searcy reference exist either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. MPEP 2143.01.

As just described, the Searcy patent fails to teach the existence of three separate stores. Hence, one of skill in the art would have no motivation to provide each of the rooms in Searcy with a separate outside entrance. In the Office Action, the Examiner recites that, "one reason for positioning the doorway that leads directly to a parking facility is that, in most stores, deliveries are made through a rear entrance thereof so that businesses conducted in the front of the of the stores is not disrupted. Additionally, trash is usually removed through a rear entrance

since most trash receptacles are positioned behind the stores.” This statement is directly contrary to the Examiner’s position that rooms 64, 66 and 116 of Searcy are stores. If rooms 64, 66 and 116 were stores, one of skill in the art would clearly have no motivation to add a doorway through which deliveries may be made, since the doorways that lead directly to the parking facility would be for customer use. This is also contrary to well established case law that if a proposed modification or combination of a prior art reference would change the principal operation of the prior art invention being modified, then the teachings of the references are insufficient to render the claims *prima facie* obvious. MPEP 2143.01. If rooms 64, 66 and 116 could possibly considered stores as is the position of the Examiner, then providing a doorway to an outside parking facility for purposes of deliveries would render room 64, 66 and 116 inoperable for their intended purpose, e.g., to permit customers to enter into the doorways directly from a parking facility.

Moreover, with respect to independent claim 16, a sidewalk is disposed along the front outer wall between the front outer wall and the parking facility. As stated by the Examiner, any doorways for room 64, 66 and 116 of Searcy would be through a rear entrance so that business conducted in the front of the stores is not disrupted. As such, no motivation exists for placing a sidewalk adjacent rooms 64, 66 and 116. Hence, claim 16 which recites this feature is distinguishable for this additional reason.

In the Office Action, the Examiner further took judicial notice that in most department stores such as Macy’s, Nordstrom, Bloomingdales, etc., there are separate sections/departments (with orthogonal walls and distinct entrances which directly to a parking facility) reserved for special merchandises such as designers, furs, evening wears, etc., that could be considered as “separate stores” which are managed independently from one another.” From

the Office Action, it is not clear if such taking of judicial notice was intended to constitute its own section 103 rejection, or if the taking of judicial notice was to modify the Searcy patent.

If this judicial notice was intended to stand on its own as a 103 rejection, such taking of judicial notice clearly fails to teach or suggest all of the claim limitations of the claim limitations of the claim in groups I, II, IV and V. For example, as recited in claim 1, appellant is unaware of any structure having at least three stores, with an elongate wall separating each store. Further, each wall has a doorway, and the doorways that are aligned with each other. Further, an aisle passes through each doorway to permit a customer to visualize at least some of the interior of each store while standing in the aisle and looking down the aisle.

Appellant has repeatedly advised the Examiner that in order to take judicial notice of facts outside the records, these facts must be capable of instant and unquestionable demonstration as being well known in the art. Appellant disputes that this taking of judicial notice is of facts that are capable of unquestionable demonstration. More specifically, Appellant respectfully disputes that that stores such as Macy's, Nordstrom and Bloomingdales contain the limitations of the claims in groups I, II, IV and V.

An alternative basis for taking judicial notice can be that the facts are within the personal knowledge of the Examiner. If the Examiner uses this basis to take judicial notice, the applicant may request that the Examiner supply an affidavit supporting such facts. Despite applicant's request for such an affidavit, the Examiner has failed to supply such an affidavit, and has continually made generalized statements about department stores. For example, the Examiner has invited the applicant, "to visit the Nordstrom store located in Pentagon City Mall or to contact a representative thereof who can verify that two doorways do exist, at least on the second floor thereof, separating the men's department from a women's department, the area



between the doorways including elevators and a help desk.” Even assuming, *arguendo*, that such a statement is true, this judicial notice clearly does not read on the claims on groups I, II, IV and V. Hence, the Examiner has provided an insufficient basis to take judicial notice, and appellant respectfully requests that the Examiner provides such an affidavit or his recognition of these facts be withdrawn.

As previously described, the Office Action is unclear as to whether this taking of judicial notice is to be combined with the Searcy patent. Assuming that such a combination by the examiner was intended, Appellant asserts that no teaching or suggestion exists for combining the department stores of a mall with the rooms in Searcy. As previously described, the rooms in Searcy are for storing items, and no access is permitted by customers. Hence, one of skill in the art clearly would have no motivation to combine the storage rooms of Searcy with department stores of the judicial notice. Hence, the claims of groups I, II, IV and V are distinguishable for at least this additional reason.

#### **B. Groups III and IV**

The claims in Groups III and IV include the limitation that the dividers or walls that separate the stores each include a pair of openings. An aisle circuits through the interior and passes through each of the pair of openings to permit the customer to walk along the aisle to circuit through each of the stores. As illustrated in Fig. 1 of Searcy, walls 70 and 80 do not each include a pair of openings. Hence, the Searcy patent fails to teach or suggest all of the limitations of the claims groups III and IV. Therefore, the claims groups III and IV are distinguishable over Searcy, and it is respectfully requested that the section 103 rejection of these claims in view of Searcy be withdrawn.

### C. Groups II and IV

Groups II and IV include method claims positively reciting steps that are not taught or suggested in Searcy. For example, the claims of group II include the steps of selecting an item within one of the stores, and purchasing the item while within the store. As previously described, rooms 64, 66 and 116 of Searcy are not stores but are rather storage rooms. Further, the entirety of the Searcy patent focuses on the use of a single checkout counter which is not in any of rooms 64, 66 or 116. Hence, it would be impossible for a customer to select an item within one of rooms 64, 66 or 116 and then purchase the item while within that room. Hence, the Searcy patent fails to present a *prima facie* case of obviousness as to the claims of group II.

The claims of group IV include the limitation of a pair of doorways or openings in each wall or divider, with an aisle circuiting the stores through the doorways or openings. In claim 25, a customer walks through an outside entrance directly from a parking facility and into the aisle. Further, the customer walks along the aisle to circuit through every doorway and every store. In claim 31, the aisle is generally circular, and the customer walks through each of the stores along the aisle such that the customer passes through each doorway in a generally circular motion. Nowhere in the Searcy patent is there any discussion of circuiting through separate stores along an aisle that passes through a pair of doorways or openings in each wall or divider. As previously described, the Searcy patent includes only a single doorway between walls 70 and 80. Hence, it would be impossible to walk through each of rooms 64, 66 and 116 while passing through each doorway as claimed. Therefore, the Searcy patent fails to present a *prima facie* case of obviousness as to the claims in groups II and IV for this additional reason.

In the Office Action, the Examiner further took judicial notice of many malls, such as Potomac Mills, Tyson's Corner, Pentagon City Mall, all located in Northern Virginia. In the rejection, the Examiner recited that, "since most mall layouts include distinct wings, many stores would have both inside and outside entrances and the doors are usually aligned because most stores run along a straight elongated corridor."

Appellant respectfully disputes this taking of judicial notice. Appellant is unaware of any mall where at least three separate stores have their own outside entrances, and where doorways are provided between each of the stores to permit a customer to walk through the outside entrance from a parking facility, move to an aisle, and then circuit through each of the doorways. Indeed, a review of the floor plan of Tyson's Corner Shopping Mall reveals that very few of the stores actually have entrances which lead directly to a parking facility. Instead, the majority of stores in that mall only have entrances that lead to the interior of the mall. Further, the floor plan of Tyson's Corner fails to show doorways connecting at least three separate stores. Hence, not only is such a finding not sufficiently notorious that official notice can be taken (MPEP 2144.03), but even if official notice were taken, the existence of such mall still does not teach or suggest all of the claimed limitations of the claims of groups II and IV.

#### **D. Group V**

The claims in group V recite that each store is independently managed. As previously described, the Searcy patent teaches three rooms which are not stores. Hence, it would be impossible for these rooms to be separately managed. In making the rejection, the Examiner recited that, "it would have been obvious to one having ordinary skill in the art to make each store (room) be managed independently since this is the common practice in most

department stores." Appellant respectfully disagrees. The department stores of which Appellant is aware have departments which are all managed by the same company. For example, the departments within Nordstrom are all managed by Nordstrom management. Further, since such information is not of such "notorious character that official notice can be taken," an affidavit should be provided by the Examiner setting forth such facts.

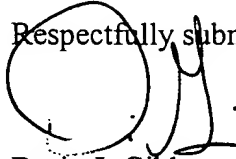
The use of Searcy in combination with this judicial notice is also insufficient to establish a *prima facie* case for an additional reason. If a proposed modification or combination of prior art would change the principle operation of the prior art and mention being modified, then the teachings of the references are insufficient to render the claims *prima facie* obviousness. MPEP 2143.01. The Searcy patent describes only a single store with a central service location. As previously described, the separate "stores" cited are in actuality storage facilities, rather than stores. Further, none of the three rooms contains a service area. If Searcy were modified to teach that the three storage rooms were in fact separate stores, the principle operation of Searcy would be changed. The Searcy patent would no longer be for a single store with a central service area, but it would be for four separate stores with one central service area in each of the stores. The combination of Searcy with the elements listed in the judicial notice would constitute a change in the principle operation of the prior art and would render this reference insufficient to establish a *prima facie* case of obviousness.

CONCLUSION:

Appellant believes that the above discussion is fully responsive to all grounds of rejection set forth in the Office Action dated August 20, 1999. Please deduct the requisite fee, pursuant to 37 C.F.R. § 1.17 (f), of \$155.00 from deposit account 20-1430 and any additional fees associated with this brief. This brief is submitted in triplicate.

If for any reason the Examiner believes a telephone conference would in any way expedite resolution of the issues raised in this appeal, the Examiner is invited to telephone the undersigned attorney at (303)571-4000.

Respectfully submitted,



Darin J. Gibby  
Reg. No. 38,464

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, CA 94111-3834  
Phone (303) 571-4000  
Fax (303) 571-4321  
DJG:jb

DE 7009568 v1

APPENDIX

PENDING CLAIMS OF U.S. APPLICATION SERIAL NO. 08/851,040  
AMENDMENT FILED NOVEMBER 20, 1998  
FOR: SYSTEM AND METHODS FOR FACILITATING THE  
PRESENTATION OF INVENTORY ITEMS

1. A system for facilitating the presentation of inventory items, comprising:  
at least three separate stores, with each store having at least one separate outside entrance which lead directly to a parking facility to allow customers which park in the parking facility to enter into each of the separate stores through their own outside entrances directly from the parking facility;  
an elongate wall separating each store, each wall having a doorway, with the doorways being aligned with each other; and  
an aisle passing through each doorway such that a customer may visualize at least some of the interior of each store while standing in the aisle and looking down the aisle.
2. A system as in claim 1, wherein the walls generally prevent the visualization of the items within adjacent stores when the customer is away from the aisle.
3. A system as in claim 1, wherein each store includes four outer walls.
4. A system as in claim 3, wherein the walls are orthogonal to each other.
- Claim 5 was canceled.
6. A system as in claim 1, wherein each store includes items of a particular type, and wherein the item types for each store are different from each other.
7. A system as in claim 1, wherein each wall includes a pair of doorways, and wherein the aisle circuits through each store while passing through the doorways.

8. A system as in claim 1, wherein each store is independently managed.

9. A system as in claim 1, wherein each doorway includes a door which may be closed to prevent access to the stores from within the stores.

10. A system as in claim 1, further comprising a warehouse connected to at least some of the stores.

11. A building for housing groups of inventory items, the building comprising:  
an outer structure defining an interior;

a plurality of elongate dividers within the interior which divide the interior into separate stores, wherein each divider includes a pair of openings therein, wherein the outer structure includes a plurality of external doorways, with each store having its own external doorway, and wherein the external doorways lead directly to a parking facility to allow customers which park in the parking facility to enter into each of the separate stores through their own external doorways directly from the parking facility; and

an aisle circuiting the interior and passing through each pair of the openings, wherein a customer may walk along the aisle to circuit through each of the stores.

12. A building as in claim 11, wherein each store includes a unique group of inventory items.

13. A building as in claim 11, wherein the each pair of openings are aligned the other pairs of openings to allow the customer to view at least some of the interior of each store when looking down the aisle.

14. A building as in claim 13, wherein the walls generally prevent the visualization of the items within adjacent stores when the customer is away from the aisle.

15. A building as in claim 11, further comprising a gate which may be placed across each opening to prevent access to adjacent stores from within the stores.

16. A system for visually displaying unique groups of inventory items, the system comprising:

- an outer structure having a set of outer walls which define an interior;
- a parking facility in front of a front one of the outer walls;
- a sidewalk disposed along the front outer wall between the front outer wall and the parking facility;
- a plurality of elongate dividers within the interior which divide the interior into at least three separate stores, wherein each divider includes at least one opening therein to allow customers to pass through each of the stores; and

wherein each store includes a unique group of inventory items, and wherein the dividers are arranged such that a customer when within the interior can generally visualize only one of the unique groups of items at any given location within the interior, and wherein the unique groups are selected from the groups consisting of bed mattresses, wood bedroom furniture, oak furniture and living room furniture;

wherein each store has at least one separate outside entrance which leads directly to the parking facility after passing over the sidewalk to allow customers which park in the parking facility to enter into each of the separate stores through their own outside entrances directly from the parking facility.

Claim 17 was canceled.

18. A system as in claim 16, further comprising an aisle running through and connecting each opening.

19. A system as in claim 18, wherein the openings are aligned with each other to allow the customer to view at least some of the interior of each store when looking down the aisle.

20. A system as in claim 19, wherein each divider includes a pair of openings, and wherein the aisle circuits through each store while passing through the openings.



21. A method for presenting inventory items, comprising:  
providing at least three stores which are separated from each other by elongate walls, each wall having a doorway, with the doorways being aligned with each other, wherein each store has its own outside entrance;  
entering into a parking facility adjacent the outside entrances;  
selecting one of the outside entrances and entering into the selected outside entrance directly from the parking facility;  
moving to and standing in an aisle which passes through each doorway;  
looking down the aisle and visualizing at least some of the interior of each store,  
selecting an item within one of the stores; and  
purchasing the item while within the store.

22. A method as in claim 21, further comprising moving away from the aisle and visually scanning the inventory of items within one of the stores, wherein visualization of the inventory items in the other stores is substantially prevented by the walls.

23. A method as in claim 21, wherein the walls have a pair of doorways, wherein the aisle circuits through each store while passing through the doorways, and further comprising walking the length of the aisle to circuit through each building.

24. A method as in claim 21, wherein each store includes a unique group of inventory items, and wherein the dividers are arranged such that a customer when within a particular store can generally visualize only one of the unique groups of items at any given location within the store.

25. A method for presenting inventory items, the method comprising:  
providing at least three stores which are separated from each other by an elongate wall, each wall having a pair of doorways, and wherein the doorways are in alignment with each other, and wherein each store has its own outside entrance;

walking through one of the outside entrances directly from a parking facility and moving to an aisle which circuits through each pair of doorways;  
standing in the aisle and looking the length of the aisle to visualize at least part of the interior of each store;  
selecting a desired store;  
walking along the aisle to circuit through every doorway and every store, and stopping within the desired store;  
visually scanning the inventory of items within the desired store while standing away from the aisle, wherein visualization of the inventory items in the other stores is substantially prevented by the walls; and  
selecting a desired item within the desired store.

26. A method as in claim 25, further comprising returning to the aisle and selecting another store.

Claim 27 was canceled.

28. A method as in claim 25, further comprising entering one of the stores through an outside entrance.

29. A method as in claim 25, wherein the inventory items in each store are different from each other.

30. A method as in claim 25, wherein each store is independently managed.

31. A method for enhancing display space within a building, the method comprising:  
providing a building comprising a set of outer walls which define an interior;  
dividing the building into at least three separate stores by placing a plurality of dividers within the interior, wherein each divider includes at least two openings and a generally

circular isle circuiting through the openings to allow customers to pass through each of the stores along the aisle;

supplying each store with a unique group of inventory items; and

a customer walking through each of the stores along the isle such that the customer passes through each doorway in a generally circular motion, with the dividers being arranged such that generally only one of the unique groups of items can be visualized at any given location within the interior when off the aisle.

32. A method as in claim 31, wherein the dividers have two openings and an aisle which circuits through each of the openings, and walking along the aisle to circuit the interior.

33. A method as in claim 31, further comprising standing in the aisle and looking the length of the aisle to visualize at least part of the interior of each store.

34. A method as in claim 31, further comprising entering one of the stores through an outside entrance.

35. A method as in claim 31, wherein the inventory items in each store are different from each other.

36. A method as in claim 31, wherein each store is independently managed.